

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IVAN SAGDAI,

Plaintiff,

v.

TRAVELERS HOME AND MARINE  
INSURANCE COMPANY,

Defendant.

CASE NO. 21-00182-LK

ORDER GRANTING MOTION  
REGARDING EXPERT-RELATED  
DISCOVERY

This matter comes before the Court on The Travelers Home and Marine Insurance Company's motion to extend the July 25, 2022 discovery deadline by two weeks. Dkt. No. 36. Travelers seeks to allow the parties to conduct expert depositions during those two weeks and to exclude those depositions from the ten-deposition limit. *Id.* Mr. Sagdai has not responded to the motion, which the Court construes as an admission that the motion has merit. LCR 7(b)(2).

The parties' current deadline to exchange expert witness disclosures and complete discovery is July 25, 2022. Dkt. Nos. 9, 37-1.<sup>1</sup> The simultaneous deadlines could effectively

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<sup>1</sup> When the Court initially set the discovery deadline, it ordered that "[a]ll discovery – including expert disclosures

1 preclude the parties from deposing the other side's expert witnesses, whose identities and opinions  
2 would likely not be known before the discovery deadline. Travelers has shown good cause to  
3 extend the deadline to conduct expert depositions in an informed and efficient way. Fed. R. Civ.  
4 P. 16(b)(4). Accordingly, the Court grants Travelers' request and extends the deadline to conduct  
5 expert depositions to August 8, 2022.

6 Travelers also requests an order that any expert depositions "taken in the two weeks  
7 following the expert disclosure deadline do not count against the ten (10) deposition limit of Fed.  
8 R. Civ. P. 30(a)(2)(A)(i)." Dkt. No. 36 at 2. "A party seeking to exceed the presumptive limit bears  
9 the burden of making a particularized showing of the need for additional depositions."  
10 *Thykkuttathil v. Keese*, 294 F.R.D. 597, 600 (W.D. Wash. 2013) (cleaned up). Travelers argues  
11 that if that relief is not granted, the parties "will be forced to speculatively refrain from deposing  
12 certain fact witnesses in order to preserve some unknown number of its ten allowed depositions."  
13 Dkt. No. 36 at 2. Because the parties have not indicated how many depositions they plan to have  
14 taken by July 25 or how many experts they plan to depose thereafter, it is unclear whether granting  
15 the requested relief will result in either side exceeding the ten-deposition limit. Parties "should  
16 ordinarily exhaust their allowed number of depositions before making a request for additional."  
17 *Thykkuttathil*, 294 F.R.D. at 600. However, given the short time period requested for expert  
18 depositions, the Court finds that it would be inefficient to require the parties to wait to move for  
19 relief until after they have exhausted their allotment. Furthermore, Travelers has demonstrated a  
20 particularized need to depose the opposing party's experts. *Id.*; Fed. R. Civ. P. 26(b)(1); Dkt. No.

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23 and all fact and expert depositions – must be completed by the discovery cutoff date." Dkt. No. 9. The Court later  
24 granted the parties' request for a trial date continuance and a new discovery deadline of July 25, 2022, Dkt. Nos. 22,  
37-1, and the parties did not request a separate deadline for expert disclosures, Dkt. No. 22. This Court subsequently  
continued the trial date to January 3, 2023 and left the discovery deadline unchanged. Dkt. No. 33.

1 36 at 2. Accordingly, there is good cause to exclude the expert depositions from the numerical  
2 limit.

3 For the foregoing reasons, the Court GRANTS Travelers' motion to extend the deadline to  
4 conduct depositions of expert witnesses from July 25, 2022 to August 8, 2022 and to exclude any  
5 expert depositions taken during those two weeks from the ten-deposition limit. Dkt. No. 36. All  
6 other deadlines shall remain the same.

7 Dated this 27th day of June, 2022.

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Lauren King  
10 United States District Judge  
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